

FREMONT PLANNING BOARD

May 24, 2006

Meeting Minutes

Approved June 7, 2006

Present: Chairman Larry Stilwell, Selectman Peter Bolduc, Leon Holmes, Jr., Mbr. & Conservation Commission rep. Jack Karcz, Alt. and ZBA Rep. Scott Boisvert, Building Official Thom Roy and Land Use AA Meredith Bolduc.

Also present: Dan Daley

Mr. Stilwell called the meeting to order at 7:30 p.m.

Mr. Holmes made the motion that Mr. Boisvert be allowed voting rights on any matter to come before tonight's Planning Board meeting.

Motion seconded by Mr. Karcz with unanimous favorable vote.

MINUTES

Mr. Bolduc made the motion to approve the minutes of the May 17, 2006 as written.

Motion seconded by Mr. Karcz with unanimous favorable except for Mr. Holmes, who abstained as he was not present at that meeting.

MEMBER

Mr. Stilwell asked Mr. Daley if he is interested in becoming a Planning Board member now that he has attended several meetings and Mr. Daley answered that he is very much interested. The Board agreed that he would be a welcome addition.

Mr. Holmes made the motion to recommend to the Selectmen that Mr. Daley be appointed as an Alternate Member to the Planning Board.

Motion seconded by Mr. Karcz with unanimous favorable vote.

SHAWN SENTER
Map 3 Lot 169-59-18

PUBLIC HEARING
SUBDIVISION

Present: Owner Shawn Senter and Catherine Ladd of RSL Layout & Design

Mr. Stilwell opened this Public Hearing for Shawn & Kim Senter at 8:00 pm and read the public notice which was as follows:

Notice is hereby given that the Fremont Planning Board will hold an Abutters/ Public Hearing on May 24, 2006 at 8:00 pm at the Fremont Town Hall to consider an application from Shawn and Kim Senter of 145 Whittier Drive for a four (4) lot residential subdivision of Map 3 Lot 169-59-18, Whittier Drive in Fremont, New Hampshire.

The applicants propose to subdivide their forty two (42.045) acre parcel keeping seventeen (17.087) acres with the existing Map 3 Lot 169-59-18 and creating a new twelve (12.38) acre parcel to be known as Map 3 Lot 169-

59-18-1, a new six (6.96) acre parcel to be known as Map 3 lot 169-59-18-2 and a new three (3.73) acre parcel to be known as Map 3 Lot 169-59-18-3.

It was noted that this hearing was noticed on May 10, 2006 at the Fremont Post Office and Fremont Town Hall and in the May 12, 2006 edition of the Rockingham News. The applicant and all abutters were notified via certified mail on May 11, 2006 and all returns have been not received. Outstanding returns are those of abutters Nardone, Moynihan, Costello and Braid.

The application included 6 sets of plans, the proper check amount, list of current abutters, the checklist signed by Mr. Senter certifying zoning compliance and one waiver request.

Also received were the following:

1. From the Zoning Board of Adjustment; Notice of Decision granting the requested Special Exception to allow the roadway as close as 25 feet to the flagged wetlands.
2. Report from David West, RPC Circuit Rider
3. Report from Louis Caron, Town Engineer
4. Road bond estimate from Dick Colby of LC Engineering in the amount of \$ 197,334.00.
5. Shoreland Protection Certification
6. Test hole and percolation test data
7. Reference plan #D-32430

Mr. West stated that the plan is complete and ready for acceptance.

Mr. Bolduc made the motion that the Board take jurisdiction of the plan.

Motion seconded by Mr. Karcz with unanimous favorable vote.

The 65 day clock begins on this date and ends on July 28, 2006.

Mr. Stilwell noted that comment sheets relating no problem with the roadway location were received from the Health Officer and Fire Chief by the ZBA at the time of Mr. Senter's April 25, 2006 Special Exception requests. A comment sheet was received from the Code Enforcement Officer: *Underground utilities should be required and noted on the plan; 4K area of lot 18-1 and 18-3 are shown outside of the setback area; driveway to lot 177-14 would require a Special Exception as a single driveway already exists. It should not be shown and should have notes reflecting intent to abandon (notes on sheet #5); road bonding; note #11 should state "4 single family residential building lots"*.

In the April 4, 2006 letter of reference, the Conservation Commission stated:

Please be advised that at the April 3, 2006 Conservation Commission meeting the Members agreed, by a vote of 2 to 1, that the plan submitted is acceptable if the silt fences are maintained during construction, the slope is seeded and there is no alteration of the plan. The plan shows the bottom of the 4 to 1 slope from the edge of the road to be within 25' of the wetlands.

The May 22, 2006 engineering report was received from Town Engineer Lou Caron of LC Engineering and reviewed by the Board. Mr. Caron offered the following:

1. There should be an "existing conditions" plan sheet provided.
2. (sheet 2 of 12) The wetland boundary lines should be darkened. Locations of abutting wells and septic systems need to be shown on the plan
3. (sheet 3 of 12) The wetland boundary lines should be darkened. Add Soil Scientist stamp to this sheet.

05-24-06 PB Minutes

4. (sheet 4 of 12) The boundary lines should be darkened. Add Soil Scientist stamp to this sheet.
5. (sheets 5, 6, & 12) Culvert should be reinforced concrete pipe; consider adding a second grate or propose another inlet type to handle the expected flow; roadway curve is listed at 225' and the minimum is 250' (he adds that 225' should work fine for this project); waiver to the 600' cul-de-sac length would be ok to grant; show underdrain pipe and show on the plan in all cut sections; add silt fence around the north side of the cul-de-sac and driveway to lot 169-59-18-2.
6. (sheet 9 of 12) add construction details for stone check dam, concrete block retaining wall, include a roadside ditch;
7. (sheet 10 of 12) replace metal headwall with a detail for reinforced concrete pipe.
8. (sheets 11 & 12) revise cross sections to reflect the roadside ditch geometry required by the town.

The May 22, 2006 Circuit Riders report was received from Mr. West and reviewed by the Board. Mr. West offered the following:

1. Zoning and General Comments: Special Exception for the roadway within the wetland buffer, add "this lot cannot be resubdivided" to the deed; State subdivision approval number need to be added to note #12 on the plan; lot 18-3 septic reserve area is within the 30' required setback.
2. Required stamps from Surveyor, Engineer, Soil Scientist and /or Wetland Scientist.
3. Will there be overhead utilities?
4. Roadway name on the plan, waiver for longer than 600'.

The May 5, 2006 letter of intent states that the application is for subdivision of Map 3 Lot 169-59-18 to subdivide the 42.0450 acre parcel into 4 residential building lots and to create an as yet unnamed right-of-way off Whittier Drive which will provide frontage for the lots.

Plan #1347GPS drawn by RSL Layout & Design and dated January 2, 2006, was submitted to the Board, RPC and the Town Engineer and was the one that their reports were based on, but Mrs. Ladd presented a May 23, 2006 revision of the plan for review by the Board. This revision had addressed some of the Engineer and Circuit Riders concerns. The original plan submitted showed the entire original 42.0450 acre parcel divided into 4 lots with 17.087 acres to remain with the original lot, and creating a 12.38 acre lot, a 6.96 acre lot and a 3.79 acre lot all with frontage off the proposed cul-de-sac. The plan also depicted the locations of wetlands and uplands as well as the percentage of upland and wetland per lot, all well radii and slopes. It also showed the driveway of the parcel at Map 3 Lot 177-14 relocated from Whittier Drive to the proposed road.

Note # 5 states "single family dwellings and there was a discussion relative to whether "residential" should be added; note #10 stated "road within 100' of wetland protection area: It was noted that this note should be revised to read ***"no portion of the roadway will be closer than twenty five (25) feet to the flagged wetlands"***.

There was a discussion relative to a note on the plan that says "single family dwellings". Mr. Senter stated that the regulation is confusing as it says "single family" and then it says "duplex". He stated that he does not want triplexes or multiple family units on any of the lots. It was agreed that note # 5 and 11 will state "single family or duplexes". There was a general conversation relative to restrictions on the plan and deeds that the lots cannot be re-subdivided and it was agreed that notes can be added to both the subdivision plan and to the deeds.

Waiver requests:

1. SD Regulation Article 3 Section 10-02-R to the Town's requirement that dead end roadways be limited to a maximum of 600', exclusive of the cul-de-sac.

2. SD Regulation Article 3 Section 10-02-R Table 1 to provide for a 225' curve radius where the regulation states 250'.

Issues included, but were not limited to:

1. Revise note #5 to add "or duplex"
2. Revise note #10 to state "no portion of the roadway will be closer than twenty five (25) feet to the flagged wetlands".
3. Show the 4K area of lot 18-1 and 18-3 to be inside of the setback area = Mrs. Ladd stated that they are both fixed
4. Add note reflecting the abandoned driveway on Map 3 Lot 177-14
5. State SD approval
6. Final plan will have all required stamps or seals

At 9:10 pm Mr. Bolduc made the motion to continue this Public Hearing to 8:00 pm on June 7, 2006 to allow time for the applicant to address all of the issues raised by the Board, RPC Circuit Rider David West and Town Engineer Lou Caron and acquire their amended reports.

Motion seconded by Mr. Karcz seconded the motion with unanimous favorable vote.

SHAWN SENTER
Map 3 Lot 169-59-18

PUBLIC MEETING
LOT LINE ADJUSTMENT

Present: Owners Shawn Senter and Stephanie Sim-Valliere and Garth Valliere, Catherine Ladd of RSL Layout & Design.

Mr. Stilwell opened this Public Meeting for Shawn & Kim Senter at 9:10 pm and read the public notice which was as follows:

You are hereby notified of a Public Meeting to be held on May 24, 2006 at 8:00 pm at the Fremont Town Hall concerning a minor lot line adjustment for Shawn & Kim Senter of 145 Whittier Drive and Stephanie Sim-Valliere of 127 Whittier Drive.

The intent is to transfer ownership of a 23,024 square foot portion of property from Map 3 Lot 169-59-18, owned by Shawn & Kim Senter, previously used to provide access to the lot from Whittier Drive, to Map 3 Lot 169-59-09 owned by Stephanie Sim-Valliere.

It was noted that this hearing was noticed on May 10, 2006 at the Fremont Post Office and Fremont Town Hall and in the May 12, 2006 edition of the Rockingham News. The applicant and all abutters were notified via certified mail on May 11, 2006 and all returns have been not received. Outstanding returns are those of abutters Nardone, Moynihan, Costello and Braid.

The application included 6 sets of plans, the proper check amount, list of current abutters, the checklist signed by Mr. Senter certifying zoning compliance, one waiver request.

The Waiver request submitted was for Subdivision Article III Section 3-c and 4 relative to requiring that the lots be shown in their entirety.

05-24-06 PB Minutes

Mrs. Sim-Valliere submitted a May 24, 2006 written correspondence agreeing with the Lot Line Adjustment.

Mrs. Ladd will revise the plan to indicate the existing Sim-Valliere garage.

Mr. Holmes made the motion to take jurisdiction of the plan.

Motion seconded by Mr. Karcz with unanimous favorable vote.

The 65 day clock begins on this date and ends on July 28, 2006.

Plan #1347-LLA-169-59-9 drawn by RSL Layout & Design and dated May 5, 2006, was submitted and reviewed by the Board. Note #8 on the plan showed the intent as; "To combine a portion of Tax Map 3 Lot 169-59-18, to be known as parcel "A", with Tax Map 3 Lot 169-59-09". Map 3 Lot 169-59-18, owned by Shawn & Kim Senter will convey 23,034 sf (.05287 acres) known as parcel "A" to Map 3 Lot 169-59-09 owned by Stephanie Sim-Valliere, making the new area of the lot 119,338 sf (2.7395 acres).

It was noted that the name of the owner of lot 3-169-59-09 was not listed on the plan. There was no report from RPC submitted. Mr. West will review the plan and send Mrs. Ladd a copy of his report, and further waiver requests can be addressed at that time.

Issues included, but were not limited to:

1. Name of owner of 3-169-59-09 is missing on the plan.
2. Additional waiver requests to be submitted

At 9:25 Mr. Bolduc made the motion to continue this Public Hearing to 8:15 pm on June 7, 2006 to allow time for the applicant to address the outstanding issues.

Motion seconded by Mr. Karcz seconded the motion with unanimous favorable vote.

JEFFREY & ANGEL LESIZKA
Map 3 Lot 191-12

PUBLIC HEARING
Site Plan Review

Present: Owners Jeffrey and Angel Lesiczka, Abutter Doug Crisafulli.

Mr. Stilwell opened this portion of this Public Hearing at 9:25 pm and stated that this is a continuance of the May 10, 2006 portion of this Public Hearing, which was continued to allow the Board time to review the application. It was noted that the Board discussed the application at the May 17, 2006 meeting and it was found that Note # 4 on the original 1999 subdivision plan states "the purpose of this plan is to subdivide Map 3 Lot 191 into 14 single family building lots".

There was a discussion relative to some potential conditions of approval. The results of that discussion appear in the approval statement.

Operating hours were discussed and it was agreed that hours listed would be for compliance with the State requirement that allows for their inspections of the site only, and not for business operating hours.

The Board received undated correspondences from abutters Charles Rand and Richard Rand both stating that they have no problem with the proposed business at 10 Cavil Mill Road.

There was a general discussion relative to this being an E-bay business where the vehicles will be advertised and sold through an online E-bay site. Mr. Lesiczka noted that he does not want to expose his neighborhood to

additional traffic. He added that he would be willing to make a copy of the registration of any person who would come to view a vehicle. He stated that he does not feel there would be an issue from any of his abutters relative to prospective buyers coming to the property. Mr. Lesiczka stated that there will be no more than 4 vehicles at the property. That is their own 2, plus 2 others that will be for sale, but will be registered with 20 day plate tags. Mr. Roy stated that Cavil Mill Road is very residential and they should be able to conduct this business without it being apparent. Mr. & Mrs. Lesiczka agreed that it would be an invisible business.

Mr. Stilwell stated that one of the things the Site Plan Review approval affords the applicant is written approval, including conditions, so if there are complaints to the Building Official or Police Department, he has documentation that permits his activity.

After careful review by the Board, Mr. Holmes made the motion that, based on the information and plan presented, the Board approve this Site Plan Review request, including all approved waivers, for Jeffrey and Angel Lesiczka to allow the applicants to operate a New Hampshire Bonded Retail Car Dealer business from their residence at Map 3 Lot 191.12, 10 Cavil Mill Road, with the following conditions.

1. This approval for Site Plan Review for a New Hampshire Bonded Retail Car Dealer business is for the current owner only and for the current business only and will not convey to a future party.
2. Hours listed are not for business operating hours. Hours listed are for compliance with the State of New Hampshire requirement that allows for their inspections of the site only:
 - Monday; 8:00 am to 2:00 pm and 4:00 pm to 9:00 pm
 - Tuesday; 8:00 am to 2:00 pm and 4:00 pm to 8:00 pm
 - Wednesday – Friday; 3:30 pm to 9:00 pm
3. There shall be no more than four (4) registered vehicles, including the owner's two (2) vehicles, housed at the residence at any time.
4. There shall be no vehicles picked up or delivered by multi-car transports.
5. There shall be no vehicles displayed for sale.
6. There shall be no sign displayed at the residence.
7. There shall be no onsite maintenance.
8. There shall be no onsite viewing or pickup of vehicles.
9. The site will generate no offsite noise or odor nuisance.
10. The provisions of RSA 676:17 shall be applicable to include a fine or penalty of \$275.00 per day upon written notice from the Building Official of violations of any provisions of the approved plan or conditions thereof.

Motion seconded by Mr. Karcz with unanimous favorable vote.

The Notice of Decision will be drawn and recorded at the registry of deeds by the Secretary at the applicant's expense.

Mr. Holmes motioned to close this Public Hearing at 9:50 pm.

Motion seconded by Mr. Karcz with unanimous favorable vote.

JOHN GALLOWAY- Excavation
Map 5 Lot 035

Mr. Stilwell reported that on May 23, 2006 he and Jack Karcz met with Mr. Galloway at the site of the Galloway

05-24-06 PB Minutes

excavation operation and found that if any material is to be removed it will come from the easterly side of the property, where Seacoast Farms is located. This was a routine site visit and there was very little activity during the past year. Mr. Galloway complained of trash on the site that was being dumped by others. He mentioned a possible subdivision of the property.

After review of the application by the Board, Mr. Holmes made the motion to approve the application for the renewal of the Excavation Permit of John Galloway for Map 5 Lot 035, with an expiration date of May 24, 2007.

Motion seconded by Mr. Karcz with unanimous favorable vote.

Mr. Stilwell signed the permit application. It was noted that the permit renewal application is due 90 days prior to the expiration date.

COOPER'S CORNER – Excavation

Map 3 Lot 037

Mr. Stilwell reported that on May 22, 2006 he and Mr. Karcz met with Mr. Wilder at the site of the Cooper's Corner excavation operation to review excavation Phases I and II to understand the discrepancies between the material removal estimates and what was actually removed on Phase I. He added that they found the elevations on the site at the roadbed to be raised as much as 14 feet above what the plan shows because, as Mr. Wilder explained, they ran into solid ledge. Mr. Wilder related to them that the change in schedule is due to the change in the market condition.

Mr. Karcz stated that his concern is to have a true or as-built plan. There was a general conversation relative to the elevation discrepancy and why the Engineer did not notify the Town of the 14 foot change.

Mr. Stilwell stated that Brian Desfosses of Eric Mitchell Associates, who engineered the original plan, and Town Engineer Bill Rollins have been contacted by the Land Use Office. Mr. Desfosses has agreed to draw an amendment to the plan showing the change in elevation and contour and send it to Mr. Rollins. Mr. Rollins has agreed to review the amendment and issue a written report to the Board.

After some consideration by the Board, Mr. Karcz made the motion to approve the application for the renewal of the excavation permit of Cooper's Corner, **Map** 3 Lot 037, with an expiration date of May 24, 2007.

Motion seconded by Mr. Holmes with unanimous favorable vote.

Mr. Stilwell signed the application. It was noted that the permit renewal application is due 90 days prior to the expiration date.

ERIN MICHAUD

Map 2 Lot 156.2-21

Review of the plan

05-24-06 PB Minutes

The Board reviewed the Erin Michaud subdivision plan. Mr. Stilwell noted that there have been recent ZBA Special Exceptions granted for the proposed new lot, but that the existing building and shed are within 100' of the wetlands. It was found that in 1992 a Variance was granted for the existing house to be located as close as 75' to the wetlands, but it is Town Councils opinion that a Variance or amended Variance/or waiver is needed for all structures now within the 100' setback, since the 1992 plan was not accurate. It appears that the septic was not placed in the designated area and there is a question of whether the placement of the well was also moved.

Mr. Roy stated that what the applicants should do is submit a plan showing the waivers, variances or special exceptions needed. It was noted that Mr. Michaud is waiting for a written correspondence from the Board outlining all outstanding zoning issues so that he can move forward with the ZBA.

Mr. Bolduc made the motion to draft a letter to Mr. Michaud stating that any building, septic, well or driveway that has any portion within the required property or wetland setbacks would need a Variance from the Zoning Board of Adjustment.

Motion seconded by Mr. Karcz with unanimous favorable vote.

CORRESPONDENCE

The Board reviewed all correspondences including:

1. A June 6, 2006 Report of Excavated Material from Abdallah Construction, Map 2 Lot 012. The report shows a total volume of 21,000 cu yds excavated was: gravel = 12,000 cu yds, sand = 6,000 cu yds, loam = 3,000 cu yds.

Mr. Bolduc made the motion to adjourn at 10:08 P.M.

Motion seconded by Mr. Holmes with unanimous favorable vote.

Respectfully submitted,
Meredith Bolduc, Secretary